

REMARKS

The claims are claims 1, 5 to 7, 9 to 35, 38 to 39 and 41 to 46.

Claims 1, 5 to 7, 9 to 35, 37 to 39 and 41 to 46 are rejected under 35 U.S.C. 103(a) as made obvious by the combination of Kaplan U.S. Patent No. 5,963,916 and Shan-Nazaroff et al U.S. Patent No. 6,091,857. The FINAL REJECTION states Kaplan shows all of the limitations of the claims except for specifying the degraded signal for the samples and how the digital signal is processed. The FINAL REJECTION further states at page 2, line 23 to page 3, line 2:

"Shah-Nazaroff et al. teaches, figure 5, a system and method for purchasing upgraded media features for programming transmissions. Figure 5 teaches the building of a client history which records the level of quality of a signal based on the price the client wishes to spend in order to increase profits by providing alternative quality products."

The FINAL REJECTION states "it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Kaplan system to select a defined quality level (degraded level) in order to increase profits by providing alternative quality products."

Claims 1, 35, 37, 39, 41, 42, 43 and 46 recite subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claims 1 and 43 recite "creating a degraded digital audio/video signal having a degradation in perceived quality corresponding to the defined degrade level signal of the dialogue unit." Claims 35 and 37 recite "generate a degraded digital audio/video signal having a degradation in perceived quality corresponding to said defined level of content degradation."

Claims 39, 41 and 46 recite "transmitting to the client a degraded evaluation version of the selected product without payment authorization, the degraded evaluation version of the selected product having a degraded perceived quality." Claim 42 recites "means for outputting the degraded digital audio/video signal to the network connection, the degraded digital audio/video signal having a degraded perceived quality corresponding to the defined level of content degradation." Each of these claims requires degradation of the audio/video signal. Neither Kaplan nor Shah-Nazaroff et al teach or make obvious this degradation. Kaplan does not teach a difference in quality between the music products and the previews. Shah-Nazaroff et al teaches "upgraded media features" but fails to teach or make obvious the degradation claimed. The Applicants respectfully submit that the upgraded media features taught in Shah-Nazaroff et al are the opposite of the degraded perceived quality recited in claims 1, 35, 37, 39, 41, 42, 43 and 46. Accordingly, claims 1, 35, 37, 39, 41, 42, 43 and 46 are not made obvious by the combination of Kaplan and Shah-Nazaroff et al.

Claims 1, 35, 39, 42 and 43 recite subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claims 1 and 43 recite "a dialogue unit operable...to define a degrade level signal dependent upon a client integrity indicator determined from a personal client file containing client history data stored in the file store." Claim 35 recites "defining a level of content degradation dependent on a client integrity indicator determined from a personal client file containing client history data." Claim 39 recites "the server defining a level of content degradation as a function of client history." Claim 42 recites "means for defining a level of content degradation as a function of client history." These recitations of claims 1, 35, 39, 42 and 43 serve as support for later recitations in each claim of output of a

signal degraded corresponding to the defined degrade level signal or the level of content degradation. This application states at page 8, line 31 to page 9, line 2:

"A portion of the file store 131 is reserved for storing individual client files 132. The client files 132 include client history data, including past purchasing records."

The application also states at page 11, lines 8 to 14:

"A customer with an established track record of making purchases following evaluation sessions, and who tenders a payment instrument with a good credit rating, will score highly, so that the degrade level would be set low. On the other hand, a customer with an established track record of evaluation without purchase would receive a high degrade level. An unknown customer would receive an intermediate degrade level, optionally with a weighting for credit rating taken from the authorization response."

The application further states at page 12, lines 14 to 16:

"As another example, for prior customers, the amount of degradation is based upon historical data about a customer stored either on the server or at some other location."

These portions of the application make clear that the term "client history" used in claims 1, 35, 39, 42 and 43 require a record of prior dealings between the client and the merchant server. The quoted portion of page 11 states how the degrade value can be dependent upon this record of client history.

The Applicants respectfully submit that neither Kaplan nor Shah-Nazaroff et al store or use client history to determine the quality of the delivered audio/video signal. The FINAL REJECTION points to no disclosure of Kaplan or Shah-Nazaroff et al as defining a level of content degradation dependent upon a client history. Nothing in Kaplan or Shah-Nazaroff et al teaches that the

transmission quality level is dependent upon client history. Figure 5 of Shah-Nazaroff et al and the corresponding text at column 6, lines 16 to 48 describes delivering varying quality signals based upon varying payment authorization. This portion of Shah-Nazaroff et al teaches selection of a default quality or an upgraded quality based upon a current selection of payment amount. This portion of Shah-Nazaroff et al fails to teach use of client history as recited in claims 1, 35, 39, 42 and 43 for determination of the delivered quality. The FINAL REJECTION points out no portion of Shah-Nazaroff et al as teaching quality dependent upon any other basis than the current payment authorization. Additionally, Shah-Nazaroff et al does not include any reference to "history," "past," "prior" or "previous" that would make obvious the claimed client history. Accordingly, claims 1, 35, 39, 42 and 43 are allowable over Kaplan and Shah-Nazaroff et al.

Claims 39, 41 and 46 recite subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claims 39, 41 and 46 each recite both "transmitting to the client a degraded evaluation version of the selected product without payment authorization, the degraded evaluation version of the selected product having a degraded perceived quality" and "transmitting to the client a non-degraded version of the selected product." The combination of Kaplan and Shah-Nazaroff et al fails to make obvious the transmission of both a degraded evaluation version without payment authorization and a non-degraded version of the selected product following payment authorization. Neither Kaplan nor Shah-Nazaroff et al include any teachings why supplying the same selected product in degraded and non-degraded versions is advantageous. The FINAL REJECTION states at page 4, lines 1 to 12:

"Applicant asserts that the combination of Kaplan and Shah-Nazaroff et al. does not show transmitting a degraded evaluation version of the selected product without payment

authorization. The examiner does not concur. Kaplan shows the ability to transmit previews and Shah-Nazaroff shows the ability to upgrade quality. The examiner believes that it is an inherent feature that the Kaplan kiosk has the capability to, and would most likely because of cost would, use the lowest quality version during the preview.

"Applicant asserts that the combination of Kaplan and Shah-Nazaroff et al. does not include any teaching why supplying the same selected product in degraded and non-degraded versions is advantageous. The examiner does not concur. It is clear from the Shah-Nazaroff et al. reference that the advantage to offering different levels of quality is to be able to make more money by charging more for better quality."

The Applicants respectfully submit that this reasoning is in error. Kaplan fails to teach delivering the preview in a degraded quality relative to the music sold. Shah-Nazaroff et al does teach delivering varying quality product. However, none of the options illustrated in Figure 5 and described at column 6, lines 16 to 48 of Shah-Nazaroff et al are to be delivered to the viewer "without payment authorization" as recited in claims 39, 41 and 46. Without the teaching of delivery of a preview "evaluation version of the selected product" of degraded quality without payment authorization one skilled in the art would not be motivated to combine the references in the manner suggested by the Examiner.

The FINAL REJECTION states that Shah-Nazaroff et al teaches offering different levels of quality "to be able to make more money by charging more for better quality." This fails to make obvious the supply of a degraded evaluation version as claimed. This application states at page 11, lines 21 to 22:

"The pre-purchase evaluation phase is then concluded by the customer deciding whether or not to purchase the evaluated product."

Thus this application provides a different motivation than that proposed by the Examiner based on the cited references. The FINAL

REJECTION fails to point out where either Kaplan or Shah-Nazaroff et al makes obvious these limitations of claims 39, 41 and 46. Accordingly, claims 39, 41 and 46 are allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 37 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 37 recites "defining at the server a level of content degradation as a function of the identified type of payment authorization." This limitation is not taught in the combination of Kaplan and Shah-Nazaroff et al. Figure 5 and the corresponding text of Shah-Nazaroff et al teach only a single type of payment authorization. The varying quality of Shah-Nazaroff et al is based upon payment amount and not the type of payment authorization. This application teaches various payment types at page 10, lines 16 to 19. Accordingly, claim 37 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

This application states at page 3, lines 16 to 23:

"It is therefore possible for a content provider to change the characteristics of an audio or video data stream supplied over a network or other public communications system to a potential purchaser by degrading it in a controlled and variable manner. The amount of degradation is preferably sufficient to enable a potential purchaser to appreciate the characteristics of the audio or video product, whilst reducing the perceived quality. In addition, the changes to the characteristics of the audio or video data stream are preferably such that the original high-fidelity product cannot be reconstructed from the low-fidelity pre-purchase sample."

This goal of the degradation is to enable the customer to sample the product without serving as a substitute for the product and so compromising future purchases (see application at page 1, lines 26 and 27). Shah-Nazaroff et al teaches selection of quality level dependent upon payment level. The goal of this application differs from and is unobvious over the teachings of Shah-Nazaroff et al.

In this invention the signal quality is selected to enable sampling of the product without substituting for the product. Accordingly, the Shah-Nazaroff et al teaching of selecting a quality to conserve bandwidth fails to make obvious the degradation recited in claims 1, 35, 39, 41, 42 and 43.

Claim 6 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 6 recites "noise insertion circuitry for manipulating bits of the bit stream to degrade signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for noise insertion to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 6 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 7 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 7 recites "the manipulation process applied by the frequency modulator is such as to effect a degradation of perceived signal quality in the digital audio/video signal reconstructed by the inverse digital Fourier transform unit." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for frequency modulation to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 7 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 9 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 9 recites "the manipulation process includes one or more of the following: frequency band rejections, frequency low pass and frequency high pass to effect a degradation of perceived signal quality." The

citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for filtering to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 9 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 10 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 10 recites "phase inversion over at least one range of frequencies." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for phase inversion to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 10 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 11 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 11 recites the frequency modulator "inserts masked sound contributions adjacent amplitude peaks of the frequency domain representation of the digital audio signal." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for masked sound insertion adjacent amplitude peaks to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 11 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 12 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 12 recites "a mixer operatively arranged before the discrete Fourier transform

unit to effect a degradation of perceived signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes in a mixer before the Fourier transform unit to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 12 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 13 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 13 recites "the manipulation process includes band-pass filtering to suppress frequency contributions lying outside a selected frequency range to effect a degradation of perceived signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for band pass filtering to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 13 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 14 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 14 recites the manipulation process "inserts masked sound contributions adjacent the mixing frequency." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for masked sound insertion adjacent to the mixing frequency to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 14 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 15 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 15 recites "a frame manipulator operatively arranged to manipulate frames in the frame buffer to generate a degraded digital video signal." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes to manipulate frames in a frame buffer to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 15 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 16 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 16 recites the frame manipulator is operable "effect a degradation of perceived video signal quality" "according to frame type." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for frame manipulation to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 16 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 17 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 17 recites the frame manipulator is operable "to vary the pixels of the data blocks of at least selected ones of the frames so as to effect a degradation of perceived video signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes to vary pixels in blocks of data in selected frames to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal

quality as claimed. Accordingly, claim 17 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 18 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 18 recites the frame manipulator is operable "to vary the motion vectors of at least selected ones of the frames so as to effect a degradation of perceived video signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes to vary motion vectors of selected frames to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 18 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 19 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 19 recites the frame manipulator is operable "to manipulate the objects of at least selected ones of the frames so as to effect a degradation of perceived video signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes to manipulate objects of selected frames to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 19 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 20 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 20 recites the processing core switches "individual channels within the multi-channel signal to apply spatial modification to the digital audio signal so as to effect a degradation of perceived digital audio signal quality." The citation of OFFICIAL NOTICE fails to indicate

why one skilled in the art would use the known digital signal processes for spatial modification of multi-channel audio to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 20 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 21 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 21 recites the processing core inverts "the phase of at least one of the audio channels so as to effect a degradation of perceived digital audio signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for phase inversion of an audio channel to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 21 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 22 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 22 recites the processing core adds "together individual ones of the channels so as to effect a degradation of perceived digital audio/video signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for adding channels together to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 22 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 23 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 23 recites the processing core operates "by removal or attenuation of at least

one of the channels so as to effect a degradation of perceived digital audio/video signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes to remove or attenuate channels to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 23 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 24 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 24 recites the processing core operates "to convert the n-bit digital audio signal into an m-bit digital audio signal where m is less than n so as to effect a degradation of perceived digital audio signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes to convert a digital signal to fewer bits to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 24 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 25 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 25 recites the processing core operates "to time modulate the digital audio/video signal so as to effect a degradation of perceived digital audio signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for time modulation of the signal to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed.

Accordingly, claim 25 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 26 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 26 recites this time modulation is "is one or more of: a speed-up or slow-down the digital audio/video signal; a change in the value of data bits in volume, luminance or chrominance data contained within the digital audio/video signal; and a lengthening of a sampling period of the digital audio/video signal." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known digital signal processes for a speed-up, slow-down, change in the value of data bits in volume, luminance or chrominance data, or a lengthening of a sampling period of the digital audio/video signal to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 26 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 27 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 27 recites "an analog processing unit operable to apply a defined level of audio/video degradation to the analog signal creating a degraded analog audio signal having a degradation in perceived quality corresponding to said defined level of content degradation." Claim 28 recites the analog processing unit operates "to apply frequency domain modulation to an analog audio signal so as to effect a degradation of perceived audio signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known analog signal processes to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than

degrade signal quality as claimed. Accordingly, claim 27 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 28 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 28 recites applying "frequency domain modulation to an analog audio signal so as to effect a degradation of perceived audio signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known analog signal processes for frequency modulation of the signal to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 28 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 29 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 29 recites "one or more of: band-reject filtering, low-pass filtering, high-pass filtering and frequency-selective phase inversion to effect a degradation of perceived signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known analog signal processes for filtering of the signal to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 29 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 30 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 30 recites "a mixer for adding a secondary signal to the digital audio/video signal so as to effect a degradation of perceived digital audio/video signal quality." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known signal processes for mixing or adding a secondary signal to degrade signal

quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 30 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 31 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 31 recites "a signal generator for generating the secondary signal." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known signal processes to generate a secondary signal to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 31 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 32 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 32 recites the signal generator is "a noise generator." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known signal processes for noise insertion to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 32 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 33 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 33 recites the signal generates operates "to generate a content-based audio signal." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known signal processes for content-based audio insertion to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade

signal quality as claimed. Accordingly, claim 33 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

Claim 34 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 34 recites "the level of the secondary signal mixed with the digital audio/video signal is determined by the degrade level signal." The citation of OFFICIAL NOTICE fails to indicate why one skilled in the art would use the known signal processes control of a secondary signal level mixed into the signal to degrade signal quality. The Applicants respectfully submit that the technology of the OFFICIAL NOTICE would be used to enhance signal quality rather than degrade signal quality as claimed. Accordingly, claim 34 is allowable over the combination of Kaplan and Shah-Nazaroff et al.

The Applicants respectfully submit that the Examiner's comments regarding the use of "standard digital processes in order to manipulate digital products" are not relevant. The FINAL REJECTION fails to point out where Kaplan and Shah-Nazaroff et al teach the use of "standard digital processes in order to manipulate digital products" in the manner recited in claims 6, 7 and 9 to 34. The Applicants respectfully submit that the use of "standard digital processes in order to manipulate digital products" in a manner not previously known is patentable. Particularly, the claims recite the processing is to degrade the signal quality. The FINAL REJECTION fails to point out "standard digital processes" used to effect this claimed signal degradation. The Applicants agree that one skilled in the art would immediately recognize that using the techniques recited in the claims would degrade signal quality. The Applicants dispute that the known art teaches use of the techniques claimed for the purpose of degrading the signal quality. The FINAL REJECTION provides no indication why one skilled in the art would be motivated to use the known techniques to degrade signal quality as claimed. The teaching that the

claimed signal quality degradation is advantageous comes only from this application. Thus the application of the techniques subject to OFFICIAL NOTICE is based upon impermissible hindsight. Accordingly, claims 6, 7, 9 to 34 are allowable over Kaplan and Shah-Nazaroff et al.

The FINAL REJECTION states at page 4, lines 19 and 20:

"The motivation to use old and well know products and methods are also well known."

The FINAL REJECTION further states at page 5, lines 3 and 4:

"As for motivation, the applicant is relying on an intended use phrase in an apparatus claim to distinguish itself from the prior art."

The FINAL REJECTION does not state that the technologies of the OFFICIAL NOTICE are used for the purpose of signal degradation as claimed. This limitation is more than a mere intended used phrase in claims 6, 7 and 9 to 34. Base claim 1 recites "a processing core operable to apply a defined level of content degradation to the digital audio/video signal creating a degraded digital audio/video signal having a degradation in perceived quality corresponding to the defined degrade level signal of the dialogue unit." Thus the "intended use" phrase in claims 6, 7 and 9 to 34 refer to the positive recitation of generation of a degraded signal in base claim 1. The technologies of the OFFICIAL NOTICE would be relevant to the subject matter of claims 6, 7 and 9 to 34 only if these technologies are used to degrade signal quality as claimed. The FINAL REJECTION fails to state that these technologies are used for signal degradation. Thus claims 6, 7 and 9 to 34 are allowable over the OFFICIAL NOTICE.

Claim 45 recites subject matter not made obvious by the combination of Kaplan and Shah-Nazaroff et al. Claim 45 recites

"the dialogue unit being operable to supply a packet decoder to the client over the network for decoding the digital video/audio signal" whereby the client can decode encrypted data packets transmitted from the server. Claim 45 further recites "the client input stage is configured to corrupt the decryption key of any given data packet before the decoded data of that packet is transmitted from the input stage in a form playable by the reproduction system." The Applicants respectfully submit that the combination of Kaplan, Shah-Nazaroff et al and the known art fail to make obvious this subject matter. In particular, the FINAL REJECTION fails to point how the known art makes obvious an input stage configured to corrupt the decryption key as claimed. Further, the FINAL REJECTION provides no reasoning why this technique is obvious. Accordingly, claim 45 is allowable over Kaplan and Shah-Nazaroff et al.


The Applicants respectfully request consideration. Entry of this amendment is proper at this time because the amendment does not change the claims. Thus no new search or reconsideration is required.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early entry of this amendment, reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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